



## **Committee on Community Resources and the Northampton City Council**

### Committee Members:

*Councilor Dennis P. Bidwell  
Councilor Maureen T. Carney  
Councilor Alisa F. Klein  
Councilor Gina-Louise Sciarra*

### **Meeting Minutes**

**Date: December 19, 2016**

**Time: 5:00 pm**

**Location: City Council Chambers  
212 Main St., Northampton, Massachusetts**

1. Meeting Called to Order and Roll Call: On a roll call the following committee members were present: Councilors Bidwell, Carney, Klein and Sciarra. No other city councilors were present. Councilor Sciarra announced that the meeting was being video and audio recorded.
2. Public Comment: None
3. Minutes of Previous Meeting: Councilor Carney moved to postpone the approval of the committee minutes from the November 21, 2016 meeting so that the committee would have more time to review them. Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No. The committee will review the minutes in January, 2017.
4. Review and Revise Draft Recommendations & Report for CSR:

The committee reviewed the draft recommendations that Councilor Bidwell put together with input from Councilor Sciarra. The committee discussed what the next steps would be. The

previous report that was prepared was submitted to the Council President and Vice-President as they had originally requested the study. It was noted at the City Council meeting that the report had been submitted. Councilor Sciarra will ask the Council President what the next step should be at this point; she assumes that it will be the same; however, since the report includes recommendations, and the possibility of referral of items, then it will need to be defined more clearly what the next steps should be.

Comment [p1]: Councilor Sciarra

Councilor Bidwell notes that the two page outline that was reviewed at the previous meeting is now a 3 page report. He took seriously the recommendation that the report did not need a lot of flushing out. He added a little bit of detail and context and prepared it not knowing what the next steps will be.

Councilor Sciarra will also seek guidance regarding how the report/recommendations should be submitted to the Mayor.

Comment [p2]: Councilor Sciarra

Councilor Carney suggested that at the beginning of the report there should be a variety of recommendations and where there is mention of drafting an ordinance and resolution, it might be better for Councilor Carney to clarify the status of the wage theft legislation.

The first section covers the framing of the study. Councilor Carney suggested crossing out "preparing a draft ordinance"; given some of the charter concerns, it looks like the legislation originally planned will be in the form of a resolution. The section that covers the CPA was where there was discussion about a possible ordinance change; because there is talk about the CPC bringing this forward, there would be no change in existing ordinances covering this topic. With regard to licenses, an order is being discussed. In summary, there will be an order, a resolution coming from the City Council and an Executive Order coming from the Mayor's Office. In the committee's report, Councilor Carney believes that the draft resolution is enough to cover the issue. The order, when it comes forward, will be specific to licenses. Councilor Klein suggested modifying the wording to read, "preparing a Council resolution and order".

Comment [p3]: Suggested language change

Councilor Bidwell wondered if the order will be a Council order or supporting an order brought forward by the Mayor; Councilor Carney states that it will be both because there are licenses that are issued by the License Commission and City Clerk and some by City Council. For those that fall under the City Council, there will be a council order and for those issued by the City Clerk or License Commission, there will be a different order.

Moving on to Arts, Downtown Events and Promotion, Councilor Klein had a few comments, most of which were grammatical in nature. (See Councilor Klein's comments in the document accompanying these minutes.) Councilor Klein stated that she is impressed with City Council Committee on Community Resource

what was presented; it was clear that this required a lot of work to look at all of the minutes and pull out the salient points. She recognizes that this takes a lot of time.

Regarding the section on At-Risk population and "Panhandling", Councilor Sciarra watched the video from the previous meeting. Everyone expressed genuine, heartfelt, and compassionate thoughts about this. She hopes the language in the report captures what Councilors Carney and Klein wanted to say themselves. She feels that her attempt takes a step forward to re-frame the discussion in a way that feels comfortable for everyone.

Councilor Carney appreciates that this section was framed in a way in which the focus was on being able to provide help to at-risk populations without letting what has been seen in the past as derogatory comments about people who are panhandling. The report refrains from describing panhandling as pesky, annoying, or irritating. The focus is instead on people who may be at-risk who may need services and that is what is being talked about here. Councilor Carney also appreciates seeing New Haven having alternative ideas to give money to the needy without a direct contribution.

Councilor Klein offered some alternative language; in the second paragraph rephrase "non-ordinance ways" to include "and non-punitive ways of addressing the needs". Regarding the second bullet point about community out-reach officers; she is not in favor of including the bullet point that singles out the police as a City resource for interacting with at-risk folks. Councilor Klein thinks that this implies by default that there is a management role for police. She also believes that the term "at-risk" should refer to the wellbeing of folks and not focus on their potential for criminal or disruptive behaviors and actions. She feels it is important to not focus on the disruptiveness or potential criminality; she states that citing the police specifically doesn't feel right to her.

Councilor Sciarra understands Councilor Klein's point and notes that she added this because the officers who do community outreach downtown have made great efforts to get to know people personally and take a personal interest in them as individuals. She feels that this is a compassionate and personal point of view. She contrasts this with someone else who doesn't even know the name of the individuals. The police have demonstrated that they care to recognize people as individuals who have identities, paths and needs. Councilor Carney wondered if there was a way to refer to NPD in their social service capacity. Councilor Sciarra understands that she is looking at this in a different perspective; she came to this conclusion after researching about the police department's roles by visiting their website. Councilor Bidwell suggested "additional resources for various outreach workers"; there are at least three organizations out there that have outreach workers. Councilor Sciarra was trying to focus on what the City already does. Councilor Bidwell feels

Comment [p4]: Suggested language change

Comment [p5]: Suggested wording

that it is legitimate for the committee to aim to get outreach workers in the City whether they are City employees or not.

Councilor Klein notes that there has been a real effort under the new Chief to create that kind of interaction with the community with people everywhere. In Leeds there is an officer who has established relationships with people in the village of Leeds. Focusing on the police is a double edge sword; while they perform a vital community service, they also may need to arrest individuals at some point. That is the role that police play in our community. Many people on the street in a position of panhandling are people of color who have difficult relationships in general with law enforcement. To single out the police who play that outreach role, the way that it "lands" for people who have been targeted by law enforcement in the past is not necessarily going to be positive. Councilor Klein applauds the Police Department for trying to turn this around; the NPD is good at creating positive relationships in ways that other law enforcement bodies are not. The committee discussed alternative language to convey the thoughts about this and settled on "and other social service outreach professionals" as suggested by Councilor Carney.

Comment [p6]: Suggested language

Councilor Klein suggested that words be added to the last bullet point so that it reads, "What can the City Council and other City offices, committees and commissions do to be of additional help". She points out that the conversations will be with more than just the City Council.

Comment [p7]: Suggested language

Regarding worker's issues, Councilor Carney gave an update about the work that she has been doing in this area. There has been an understanding that the Mayor would issue an executive order with regard to procurement and licenses. The City Council would also consider an order that would relate to licenses that it had jurisdiction over. There would also be some language with regard to the CPA and T.I.F. This was explained at the last Community Resource meeting. In a subsequent meeting that was held with the City Solicitor it was discussed that a lot of this gets down to the different governmental bodies and what amount of authority each body has. Alan Seewald concluded that the City Council ought not be directing the License Commission or the Mayor and also the CPC with regard to the CPA portion. It had been proposed that an ordinance would be the avenue used to change the CPA requirements to ensure wage and hour compliance of applicants. It has since been decided that since the CPC is governed by state law, they should put forward their own stipulations and conditions. The Mayor is willing to co-sponsor a resolution that would address the issues of wage theft. The resolution would call on the License Commission to ensure compliance with wage and hour laws; it would also call on the CPC to ensure that its applicants complied with wage and hour law. A certification form tied to the application would be completed by those interested in receiving a license or CPA funds. The license applicant would sign an application form certifying that they are in compliance

with wage and hour laws. The form would allow for wage bond options if an applicant can't certify wage and hour law compliance. The specific detail would not be included in the resolution, but it would be understood that they are being called upon to take action.

Councilor Carney reports that regarding the CPA, there was some real concern by the solicitor about the claw back language. The concern is that applicants that are typically funded under the CPA are lenders who have nothing to do with the sub-sub contractor who might be violating the wage and hour laws. While there was reticence to apply claw back language, there is an agreement that the CPC will be asked to have applicants certify that contractors and subcontractors will be in compliance with wage and hour laws. A bid would be considered incomplete without the certification. Councilor Carney explained that the T.I.F. part was more clear cut. There doesn't seem to be any problem with applying those conditions to T.I.F. applicants. These applicants would need to certify that they comply with wage and hour laws. Claw back language can be added; there is precedence for using claw back language for other conditions that have not been met, such as job creation, etc.

Councilor Carney reported that the way it was left a Council resolution would define the problem and declare commitment to local labor, local business, and fair labor. The resolution would call on the CPC and License Commission to ensure fair wage practices. Councilor Carney notes that in terms of what might be referred, there might not be much. Orders are usually not referred; the order would cover those licenses handled by the City Council which include licenses for bowling and billiards, second hand dealers, among others. Most of those that impact workers are handled by the License Commission. These include alcohol, food and beverage, etc. Councilor Carney notes that the process could be that particular language comes back to this committee for consideration or the committee could know that this would be included part and parcel of the package. The package would include the resolution calling on the CPC and the License Commission; the Administrative Order (Executive Order) that would deal with procurement/City vendors; the CPC and License Commission adding appropriate language in their policies and procedures.

Councilor Carney notes that a resolution is different from an ordinance. There was talk about the timing; perhaps the resolution could be brought forward for the second meeting in January. The Mayor has indicated that there needs to be a conversation with the License Commission and CPC.

Councilor Bidwell asked about the resolution co-sponsored by the Mayor. He wonders if the resolution would ask the License Commission and the CPC to incorporate this in the way that they do business. Councilor Carney notes that the language would "call on" these bodies to take action but she notes that they can refuse. She is trying to avoid this by working independently with members of the bodies who have expressed interest in this

area. The language doesn't need to be in place at the time the resolution is written. She notes that people would be willing to go to the committee to explain the language that would be most effective to achieve the desired goal. Essentially, there is been problems in the construction industry where CPC funding has been in play. There is a concern that there are not adequate consequences for improper actions. There is nothing to compel businesses to do what is being asked of them; however, they can be compelled to include a certification document with their application.

Councilor Bidwell asked as a practical matter if all subcontractors would even be in place when a contract was negotiated. Councilor Carney stated, "No"; but the contractor would take the money and will also agree to require all contractors and subcontractors comply with wage and hour laws. Regarding T.I.F. applicants, money can be taken back and this has been done in the past. The Mayor was comfortable with the notion of claw back with T.I.F. applicants. She also notes that the License Commission is being asked to require certification of applicants.

[To make the information more accurate, Councilor Carney proposes to change the second paragraph under "Worker Issues". The wording should not reflect the drafting of an ordinance, but rather administrative orders, resolutions and orders. No "review by committee" should be included here, but should only state "brought to the Council" only.]

Comment [p8]: Suggested language

[Councilor Klein asked whether it was intended not to use the term "wage theft" in the sentence, "Councilors Carney and Klein have been meeting with the Mayor and City Solicitor to develop City responses to addressing these worker issues. Instead of "worker issues" it should read, "wage theft related issues. |

Comment [p9]: Suggested language

The committee then looked at the section regarding the state of the overall downtown economy. No suggestions were made to amend this section.

Regarding items to refer to Transportation and Parking Commission, Councilor Sciarra notes that the Committee can ask TPC to work on the items that were suggested. Councilor Carney wondered if there was a loading zone ordinance; Councilor Bidwell stated that there was, but there was a desire to review it. Councilor Sciarra notes that TPC has not talked about rail very much. She is not sure if this is something that TPC would work on. Councilor Bidwell notes that the Mayor does have a passenger rail advisory committee, but it might be defunct. There was also an economic development advisory committee that is also defunct. Councilor Klein thinks that it is okay to ask the TPC to have some discussion to see if it was a relevant topic. Councilor Sciarra wonders if this is something that should be put under the op-ed piece. Councilor Klein notes that if it was discussed by TPC,

City Council Committee on Community Resource

representatives from Planning, PVTA, etc. They might be able to volley a few recommendations back about what the City Council or the City should do. [Councilor Sciarra will bring it up with the TPC.] Councilor Klein suggested that the Committee could ask for an update from the Commission and the Mayor as to where the City is at with policy or if there is any work being done at the state level. Maybe an update will help to decide if there are issues that the committee could tackle. Councilor Klein suggested changing the language to state, "requesting an update" She feels certain that Wayne Feiden would have some kind of update. Councilor Sciarra and Bidwell feel that Terry Masterson would have the most up to date information. Councilor Bidwell feels that the Committee could mention rail in its opened piece as well. |

Comment [p10]: Councilor Sciarra

Comment [p11]: Suggested language

Regarding the conclusion, Councilor Klein had a general comment that she shared with the committee. She wonders if the report should reflect that members of the committee will serve as liaisons to the stakeholders in various aspects of the downtown business economy moving forward so we have a sustained role in this issue and so that there is an identified person on the Committee with whom stakeholders can be in touch with questions, requests, issues, etc. moving forward? The committee had talked about councilors who were sort of assigned to topics: Councilor Klein about the Arts; Councilor Bidwell about at-risk population, etc. Councilor Bidwell proposed words to help address this concern; Councilor Klein asked what the committee had imagined in this area. Did the committee plan to have one member represent the whole committee, or would the whole committee participate in meetings and events when a particular topic came up. Councilor Bidwell remembers discussing a critical piece of this arts discussion would be the working group that would be put together and then Councilor Klein would play a critical role as part of that group. Once the planning is complete, then it could likely be that the entire committee would be part of the event. Councilor Klein feels that this would be seen as a public meeting and the committee agreed. [Councilor Klein would like to see language in the conclusion that says that the committee considers this its purview in an on-going way and that there will be sustainable relationships that members of the forums will continue.]

Comment [p12]: Add language to conclusion

Councilor Bidwell feels that there was sentiment amongst the committee members that there will be an end to the actions taken by this committee. Councilor Sciarra feels that the study does need to be closed out. She would like to be careful about setting up expectations about relationships with individual councilors. Councilor Bidwell thinks that there is an on-going sensitivity with the Mayor about what the on-going role is for this committee. He has a feeling that the report might be better received if the committee doesn't make an explicit expectation of continuing involvement, but rather informally agree that the committee would like to do it to the extent that it makes sense. Councilor Sciarra agrees that the committee needs to be careful about what it can promise and where the committee's jurisdiction lies. Councilor Klein suggested a simple sentence that concludes City Council Committee on Community Resource



the report by saying that this committee is looking forward to helping or playing a role in the vibrancy of the downtown economy. Councilor Bidwell suggested that the report does state that and Councilor Klein agrees.

Councilor Bidwell concedes that the first point under Arts should incorporate the Florence community as well.

Comment [p13]: Language suggestion

Councilor Bidwell states that he has been taking careful notes and is willing to go back and incorporate the suggestions that he has heard. He will get the revisions to the Administrative Assistant. Councilor Klein will do the same. The AA will pull the report together and attach it to the minutes of the meeting. Councilor Sciarra will find out how it gets transmitted to the Council President and Vice President. If there is something that doesn't feel quite right, the committee will have an opportunity to make changes as part of their review of the minutes. In the mean time it will be considered the working document. This doesn't mean that the committee should wait to send the document onto the President and Vice-President. Councilor Bidwell feels that the committee is pretty much in agreement with the editing that has been done. If there is anything that anyone has a problem with then the committee can make the changes at the next meeting.

Comment [p14]: Councilors Sciarra, Bidwell, Klein and Administrative Assistant

Back to the conclusion, Councilor Sciarra would like to change the first sentence to reflect that the committee is closing the CSR but has not concluded its work concerning the topics that were discussed.

The committee discussed changing the words to reflect that the study is concluded and will incorporate words reflected in the title of the study.

Comment [p15]: Suggested language

Councilor Klein moved to approve the committee's report as amended; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

5. New Business – None

6. Adjourn: At 6:07 p.m. Councilor Klein moved to adjourn the meeting; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Prepared By: P. Powers, Administrative Assistant to the City Council  
(413) 587-1210, [ppowers@northamptonma.gov](mailto:ppowers@northamptonma.gov)



**Final Report to the Northampton City Council  
on the Committee Study Request on the Local Economy  
(Issued on March 3, 2016)**

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City Council Committee on Community Resources  
January 12, 2017

City Councilor Gina-Louise Sciarra, Chair  
City Councilor Dennis Bidwell, Vice-chair  
City Councilor Maureen Carney  
City Councilor Alisa Klein

## OVERVIEW

In March, 2016, the City Council's Community Resources Committee was asked by the Council's President and Vice President to "study issues relative to the local economy, with a focus on businesses and workers in downtown Northampton and downtown Florence, for the purpose of identifying practical recommendations, if any, that the City Council could pursue to strengthen the local economy." As detailed in the Committee's July 18 interim report to the City Council, between March and June the Committee held four public forums to hear concerns and recommendations from a broad range of different constituencies, received reports and testimony from several members of the Mayor's staff, and received reports and commentary from various outside experts and groups as well.

At the Committee's meetings in September, October and November, the Committee deliberated on possible recommendations going forward. This report lays out those recommendations, which consist of:

- Seeking the cooperation of the Mayor in convening a forum
- Asking the Mayor to convene a task force
- Preparing a draft Council resolution and order
- Referral for consideration by other committees or agencies
- Public education efforts through newspaper opinions pieces, etc.

## ARTS, DOWNTOWN EVENTS, PROMOTION

The Committee heard a great deal of commentary about the value of downtown events, the major contributions of artists and arts organizations to the City's vitality and economy, and the need for even more of these events, combined with even greater levels of promotion. Specific comments and recommendations expressed at the Committee's forums addressed topics such as: better promotion of Arts Night Out; development of a year-round downtown market in a permanent home; greater visibility on travel websites; more festivals and events at different locations downtown; more "pop-up" art in non-traditional locations; more arts venues.

Recognizing that the City and various non-profit arts organizations already provide a broad range of exciting and well-promoted events, and are already addressing many of the issues cited above, the Committee recommends that, with the cooperation of the Mayor, the Committee join with other groups to host a one-time forum on the topics of downtown arts, events promotion, and how City government (i.e. City Council, the Mayor's Office, City staff and City committees and commissions) can potentially play an enhanced role in these realms. We would propose that a small working group, including one of our Committee members, organize a forum designed to include all arts-related organizations and organizations involved in downtown events planning and promotion.

Possible topics for such a forum would be:

- Report from the Regional Tourism Council on their marketing efforts, with updated data on tourism-related spending
- Is there a need for a specific downtown marketing strategy?
- Are there revenue streams that could be dedicated to downtown marketing?
- Updates on downtown arts and events programming for 2017
- Review of arts programming and events planned for Florence Center
- Updates on mechanisms for coordinating the activities of all groups and their promotion
- Is there a master calendar for the planning of such events?
- Outreach for volunteers (for events, for board vacancies, etc.)
- Soliciting support of media in events promotion and volunteer recruitment
- What can the City Council and other City offices, committees and commissions do to be of additional help?

#### AT-RISK DOWNTOWN POPULATIONS AND "PANHANDLING"

The Committee heard a great deal of commentary from a broad range of downtown stakeholders over multiple meetings on the topic of the at-risk and marginalized downtown populations and solicitation for money, or "panhandling." Many comments centered on the needs of the individuals, while many other comments were directed towards the perceived issues around actions, particularly solicitation for money. The complexity of this issue, and the extreme sensitivity required to address it, was made clear. As a committee, we are committed to the constitutionally-protected rights of all people in public spaces, and recognize the contributions of all to the fabric and vibrancy of our community. We recognize the impact the opioid crisis is having on the at-risk community, and how potential cuts to social services in federal and state funding may expand that community.

The Committee recommends that the Mayor convene a task force of city employees, representatives from social service, housing and advocacy organizations, downtown stakeholders, and a member of this Committee, to explore non-ordinance and non-punitive ways of addressing the needs of downtown at-risk populations and ways that expanded resources can be directed towards the agencies and organizations doing direct work with our at-risk populations.

Possible topics to be tackled by such a task force might include:

- Coordinating services to at-risk populations
- Additional resources for social service outreach professionals to increase their current work connecting personally with potentially at-risk individuals downtown
- Finding effective ways to facilitate contributions to agencies and organizations providing services to at-risk populations
  - Effective messaging
  - Use of new technologies

- Alternative donation locations
- What can the City Council and other City offices, committees and commissions do to be of additional help?

At an appropriate time, we would envision a City Council resolution in support of the approaches recommended by such a task force.

### WORKER ISSUES

The Committee heard a great deal of commentary about working conditions facing some restaurant workers and some construction workers. Comments ranged from some employers not paying minimum wage, some workers not being paid for overtime, fear of retaliation by managers, and dangerous working conditions. The Committee also heard concerns about painting all employers, especially restaurant owners, with the same brush.

Councilors Klein and Carney have been meeting with the Mayor and the City Solicitor to develop City responses addressing wage theft related issues. **The Committee recommends that a draft Executive Order being prepared by the Mayor, and a proposed Council Resolution and Order, be brought to the Council.**

The Committee also expressed interest in supporting one or more resolutions supportive of state legislation aimed at strengthening the Attorney General's ability to enforce worker condition and wage-related statutes.

### OVERALL STATE OF THE DOWNTOWN ECONOMY

The Committee heard considerable commentary expressing concerns about the state of Northampton's downtown economy, ranging from the number of retail vacancies and high rents on Main Street, to the effects of e-retail and the looming Springfield casino project. The Committee also heard appreciation for the Council's unwavering support of a single tax rate, for the generous support shown local non-profits by downtown businesses, and for the City's investment in improvements at the Academy of Music. (Pulaski Park hadn't yet opened at the time of these forums.)

The Committee also heard presentations from the City's Economic Development Director, from realtors, and from the Chamber of Commerce, all providing various data points and perspectives on the state of downtown.

**The Committee recommends that it communicate its view of the state of Northampton's Downtown Economy in one or two opinion pieces to appear in the local press.**

Perhaps one such piece might summarize the facts about downtown occupancy rates, public and private investments, recent successful business transitions, hotel/meal tax trends, etc. It might

also be appropriate in such a piece to highlight the Council's unanimous and consistent support for the Factor of One property tax.

Another opinion piece might cover such topics as:

- The fact that Northampton's downtown is the envy of almost all other cities our size
- The need to be aware of the looming impacts of the Springfield Casino and the ever-present effects of on-line commerce
- Innovative ways of encouraging "shop local"
- The need to support the Downtown Northampton Association.
- An encouragement to landlords to show restraint regarding rents (And a reminder that the Council is limited in doing more than that)
- A recognition that the vast majority of restaurants play by the rules and are worthy of our patronage
- Encourage more businesses to validate for the garage parking
- The importance of pressing for long-awaited commuter rail service

At the appropriate time, the Committee imagines a Council resolution supportive of measures to further strengthen an already strong and resilient downtown.

#### REFER TO TRANSPORTATION AND PARKING COMMISSION

A variety of issues came up that the Committee recommends be referred for study to the Transportation and Parking Commission, such as:

- Request an update for North-South commuter rail
- Review of loading zone ordinance
- Review the parking ticket appeals process
- Explore whether the Council should seek a seat on the PVTA Board

#### IN CONCLUSION

With submission of these recommendations, the Community Resources Committee concludes its study of the local economy pursuant to the March, 2016 Committee Study Request. However, the Committee looks forward to staying involved in all of these issues and making further recommendations in the months ahead, as necessary, to continue drawing attention to the need for a vibrant and healthy downtown Northampton and Florence Center economy.